



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

MAR 25 2016

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Articlen number: 7015 1520 0003 0792 0244

Anthony Lawson, PMP
Engineering Project Manager
Aluf Plastics, Inc.
2 Glenshaw Street
Orangeburg, New York 10962

Re: **RCRA § 3007 Information Request No. 2**
API Industries, Inc. d/b/a Aluf Plastics, Inc. - EPA I.D. No. NYD 886 941 102

Dear Mr. Lawson:

We have reviewed your July 29, 2015 submittal in response to the RCRA §3007 Information Request ("first IRL") letter dated June 8, 2015. Based on this review, it was determined that clarification is needed with respect to some of the information you provided. Pursuant to the provisions of Section 3007, 42 U.S.C. Part 6927, we hereby require that you provide the information requested in Enclosure I to this letter using the instructions and definitions included in Enclosure II, consistent with our previous request.

Please provide the information requested no later than thirty (30) calendar days from receipt of this letter. Requests for additional time must be justified. Requests for additional time must be made within ten (10) calendar days of receipt of this letter. The response must be signed by a responsible official or agent of your company.

The response to the request in the attachment must be mailed to the following address:

Mr. Ronald Voelkel
Environmental Scientist
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency- Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company"

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
300 BROADWAY
NEW YORK, NY 10007-1555
TEL: (212) 637-1470
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confidential". The claim should set forth the information requested in 40 Code of Federal Regulations (40 C.F.R.) Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

This information request is not subject to the requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Part 3501 et seq.

Failure to respond in full to this requirement is a violation of RCRA and may result in federal enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. Section 6928. Please also note that all information submitted by you may be used in an administrative, civil judicial, or criminal action.

If you have any questions regarding this matter, contact Mr. Voelkel at (212) 637-1470 or at voelkel.ronald@epa.gov.

Sincerely yours,



Leonard Voo, Chief
RCRA Compliance Branch

Enclosures

cc: Susan Rosenberg
President and Chief Operating Officer
Aluf Plastics, Inc.
2 Glenshaw Street
Orangeburg, New York 10962

Kelly Lewandowski, Chief
Site Control Section
New York State Department of Environmental Conservation

ENCLOSURE I

QUESTION 1

In Question No. 1 of the first IRL, we requested information that would verify whether or not any spent solvent, printing ink, printing ink sludge, or any other solid waste generated from your printing operations are or are not hazardous waste. In your response, you stated that none of these wastes were hazardous waste and that these determinations were based on MSDS data. However, a review of the submitted MSD sheets indicates, for example, that the Bell-Mark Corporation "110 Solvent" has a flashpoint of 90° F. Such a flashpoint would make the disposal of this solvent a hazardous waste for ignitability. Likewise, the MSD sheet for the Domino "IC-295BK Printing Ink" notes that it is "Highly flammable", has a flashpoint of -6° C, and "is classified as hazardous waste". In addition, data contained in the MSDS for Domino "WL-200 Wash" states it to be a "Highly flammable liquid and vapour", with a flashpoint of -3° C, and "is classified as hazardous waste". Your response, therefore, appears to be inconsistent with MSDS data. During the April 29, 2015 inspection you identified a container labeled "corrosive" as containing waste pesticides. Then, in your response to the first IRL, you identified its content as waste algicide. This also indicates that your hazardous waste determinations may not have been properly made for all solid wastes. Your assumption that an employee "may have thought" that secondary containment for drums of fresh oil is "where used oil was deposited" is also indicative of an inadequate hazardous waste management system.

In order to verify that all hazardous waste determinations have been properly performed on all solid wastes generated by Aluf Plastics, please provide the following information.

- a. Please justifying your statements made in response to Question 1 of the first IRL that appear inconsistent with MSDS data provided by you.
- b. Please provide a detailed description of each activity conducted by Aluf Plastics at its Orangeburg, New York facility that generated solid and/or hazardous wastes (as defined in 40 C.F.R. Part 261) during the period January 2013 to December 2015, inclusive.
- c. Please list the solid and/or hazardous wastes generated from each activity, as indicated in response to Question 1(b), above, including but not limited to all *spent solvents, inks or ink-solvent sludge, solvent-contaminated rags, off-spec paints, paint thinners, off-spec polyurethane enamels, waste epoxy, corrosive wastes, off-spec adhesives, off-spec penetrants, waste pesticides, waste algicides, discarded cleaners or cleaning chemicals, waste coolants (including ethylene glycol), used oil, spent fluorescent bulbs, waste batteries, discarded cathode ray tubes (CRTs, such as computer monitors), etc.* indicating monthly quantities of each waste, in kilograms, generated during the period January 2013 to December 2015, inclusive.

- d. Provide all analytical results and/or documentation used in determining whether each solid waste stated in response to Question 1(c), above, is or is not a hazardous waste. If generator knowledge of the waste(s) was used to determine that the solid waste was not a hazardous waste, please provide a narrative which details the knowledge employed in making such a determination. If MSDS data were used to make the hazardous waste/non-hazardous waste determinations, note whether or not it was taken into account that the materials could have been contaminated by other sources from usage.
- e. For each hazardous and each non-hazardous waste described in response to Question 1(c), above, please provide copies of all documentation, including hazardous waste manifests, for the off-site shipment/disposal or treatment of such wastes during the time period January 2013 to December 2015, inclusive. If no such documentation is available, identify each entity (commercial, corporate, or municipal) that received such wastes from your facility, the specific waste that they received, the date(s) each such waste was shipped from each of your facilities, and state the reason(s) for not maintaining such shipping documents at your facility.
- f. For each waste described in response to Question 1(c), above, please specify (i) how each waste was containerized, (ii) the location where each container of waste was stored on-site prior to shipment off-site, (iii) the length of time each container was stored prior to shipment off-site, and (iv) whether or not any of these containers were labeled as hazardous waste during storage.

QUESTION 2

In your response to Question No. 2, and in regards to the hose that was constructed to transport liquid from a drainage trench in the basement area to the exterior of the manufacturing building, you stated that “the observed hose was used to drain the basement after hurricane Sandy overwhelmed the storm water system”. However, information we have received from other sources indicates that the hose existed prior to the storm. It was also observed by an EPA inspector more than two years after the October 2012 storm. You further stated that “there are condensate lines from cooling equipment that discharge outside the building” and that “no waste is released to the outside of the building via these lines”. Your response did not indicate if there are any hoses, pipes, etc. that discharge outside of the building other than these “condensate lines”.

- a. Please provide information that establishes whether or not there are or were any hoses, pipes, or drainage systems, other than the “condensate lines” or municipal sewer lines, that lead from the interior of any structure, such as the extruder cooling system, that discharge outside of the facility buildings, whether above or below ground.
- b. For each hose, pipe, or drainage system identified in your response to Question 2(a), above, please provide a detailed description, including schematics, which identifies the

location of each hose, pipe, or drainage system (“constructs”) as it progresses through the facility building, the material used in the construction of these constructs, the date each of these constructs were installed, the dates these constructs were in use, the purpose and/or reason these constructs were installed, identify any liquids that flowed through these constructs, and identify where they were discharged outside of the facility buildings.

- c. Please provide analytical results of any and all liquids which flowed through, or were discharged from, any of the constructs identified in response to Questions 2(b) indicating whether or not these discharges were or were not hazardous waste.
- d. Please provide a detailed narrative which describes the operation of the extruder “cooling equipment” (e.g. chiller) including the usage and flow-progression of all fluids (e.g. ethylene glycol, lubricant oil) from introduction into the system to their off-site disposal or discharge.
- e. If not already included in your response to Question 2(d), above, please provide a narrative which describes the cleaning process of your extruder equipment including all products used in the cleaning process, and any waste, such as corrosives or algicides, generated as a result of this cleaning process.
- f. Please submit copies of any permits, certificates, or any other document which states that Aluf Plastics is permitted to discharge to any public or municipal waste water treatment system. Include in your response the specific conditions (e.g. regular analyses of discharges) which any permit, certificate, or any other document, which allows you to discharge to any public or municipal waste water treatment system.
- g. Please submit all analytical results of samples taken of process wastewater discharged from your facility for the period January 1, 2014 through December 31, 2015.

QUESTION 3

At the time of the inspection, you stated that Aluf Plastics has a New York State Department of Environmental Conservation (NYSDEC) storm water runoff permit and that the testing of storm water is conducted quarterly. However, a copy of this permit was not available at the time of the inspection.

- a. Please provide a copy of the NYSDEC storm water runoff permit.
- b. Please submit all analytical results, if any, of samples taken of process water discharged from your facility for the period January 1, 2014 through December 31, 2015.

QUESTION 4

In your response to Question 4 of the first IRL, you did not provide, as requested, copies of a Contingency Plan, of personnel training records, and of other documents required of Large Quantity Generators of hazardous waste because, as you stated, Aluf Plastics generates “between 442 to 1,291 pounds average per month, well below the 2,200 pound per month threshold requiring a facility Contingency Plan”. Based on this statement, it is understood that Aluf Plastics is operating as a Small Quantity Generator of hazardous waste. However, at the time of the inspection, you were not able to provide copies of correspondence to emergency responders and hospitals as required by 6 NYCRR § 373-3.3(g)(1)(I) and 6 NYCRR § 373-3.3(g)(1)(iv), and it was observed that you did not have a communication device, such as a telephone, located near the hazardous waste storage area, and you did not have postings of the telephone numbers of emergency coordinators and of the location of fire extinguishers, spill control material, etc next to such a device as required by 6 NYCRR § 72.2(a)(8)(iii)(e)(2)(i), 6 NYCRR § 372.2(a)(8)(iii)(e)(2)(i), and 6 NYCRR § 372.2(a)(8)(iii)(e)(2)(ii), respectively.

In order to verify that you are in compliance with Small Quantity Generator requirements, please provide the following.

- a. Please submit copies of dated correspondence that shows that Aluf Plastics had made arrangements to familiarize police, fire departments and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes.
- b. Please submit copies of dated correspondence that shows that Aluf Plastics has attempted to make arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility.
- c. Please provide verification, such as photographs, that shows that Aluf Plastics has located a device, such as a telephone, near that hazardous waste storage area capable of summoning emergency assistance. Provide the date that device was first installed.
- d. Please provide verification, such as photographs, that shows that Aluf Plastics has posted the names and telephone numbers of the emergency coordinators next to the telephone referred to in Question 4(c), above. Provide the date that the names and numbers were first posted.
- e. Please provide verification, such as photographs, that shows that Aluf Plastics has posted the location of fire extinguishers and spill control material next to the telephone, referred to in Question 4(c), above. Provide the date such information was first posted.

- f. Please submit copies of logs or any other written means, if available, that show that Aluf Plastics conducted weekly inspections of its hazardous waste storage areas for the period January 1, 2015 to December 31, 2015, inclusive.

ENCLOSURE II

INSTRUCTIONS AND DEFINITIONS

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility.
2. A complete response must be made to each individual question in this request for information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The company and/or facility for the purposes of this Request for Information is the one to which this request for information is addressed.

11. Hazardous waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(5) of RCRA, as amended, 42 U.S.C. Part 6903(5) and in 40 C.F.R., Section 261.3.
12. Manage shall be defined for the purposes of this Request for Information as a market, generate, treat, store, dispose or otherwise handle.
13. Standards applicable to transporters of hazardous waste shall be those as established in 40 C.F.R. Part 263.
14. Hazardous constituents shall be defined as those substances listed in 40 C.F.R. Part 261, Appendix VIII.

ENCLOSURE III

CERTIFICATION OF ANSWERS

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

DATE